REMARKS

In view of the following remarks, Applicant respectfully requests

reconsideration and allowance of the subject application. This amendment is

believed to be fully responsive to all issues raised in the August 12, 2003 Office

5   Action.

As explained above, claims 1-19 are original and pending. Claims 7 and

11 are currently amended to correct an omission (claim 7) and a typographical

error (claim 11).

10   Claim Rejections under 35 USC §103

In the pending Office Action, the Office rejected claims 1-19 under 35

U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,205,929 to

Langford et al. in view of U.S. Patent No. 5,790,794 to DuLac et al.

Claims 1-19 include independent method claim 1 with dependent claims

15   2-6; independent system claim 7 with dependent claims 8-13; and independent

computer readable medium claim 14 with dependent claims 15-19.

According to the MPEP §2142:

To establish a prima facie case of obviousness, three basic criteria
must be met. First, there must be some suggestion or motivation,
20   either in the references themselves or in the knowledge generally
available to one of ordinary skill in the art, to modify the reference
or to combine reference teachings. Second, there must be a
reasonable expectation of success. Finally, the prior art reference
(or references when combined) must teach or suggest all the claim
25   limitations. The teaching or suggestion to make the claimed
combination and the reasonable expectation of success must both

be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

MPEP §2142

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For at least the reasons presented below, Applicant respectfully submits that pending claims 1-19 are patentable over the Langford reference and the DuLac reference.

10   Claims 1-6

Applicant respectfully submits that the Office has not presented evidence sufficient to make a prima facie case of obviousness under §103. In particular, the Langford reference and the DuLac reference fail to disclose, teach or suggest all of the subject matter of claim 1. Even assuming arguendo that the two references did disclose, teach or suggest all of the subject matter of claim 1, there is no evidence that one of ordinary skill in the art would have a reasonable expectation of success in arriving at the subject matter of claim 1.

Independent method claim 1 recites in relevant part: *rendering . . . such that playback of said first clip and said second clip appears seamless.* Further according to claim 1, the media data is *stored over a data network* wherein the *first clip is stored within a first source* and the *second clip is stored within a second source.* In traversing the §103 rejection of claim 1, Applicant asserts that neither the Langford reference nor the DuLac reference disclose, teach or suggest the *rendering* of claim 1.

The Langford reference pertains to a "post production offline editing

system" (Abstract). For example, Figure 1 of the Langford reference shows an

"Editors First Cut Sequence" composed of segments A through H from five films

or tapes. Figures 2, 4 and 5 of the Langford reference indicate explicitly that

5   the system is an "off-line edit system": "Off-line Edit System" (Figure 2) and "Off-

line Workstation" (Figures 4 and 5). A goal of the Langford reference's off-line

edit system appears to be generating an edit list in the form of a computer file

(Langford at col. 4, line 65-68). While the Langford reference discloses a

"review modify module . . . to view a show defined by an already-generated edit

10   list (i.e., to cause the video tape players to simulate the show by sequentially

playing back the edits on the edit list)", this module relies on more than one

video tape player (i.e., video tape players 50) and a "video switcher" (i.e., the

video switcher 46). As such, the Langford reference does not disclose, teach or

suggest the *rendering* of claim 1.

15   The DuLac reference discloses "video storage unit architecture" (Title).

The DuLac reference does not disclose, teach or suggest the *rendering* of claim

1. The DuLac reference focuses on architecture wherein a "video stream

manager" receives errors and sets commands. For example, "at the end of a

video, an end-of-file error is sent back to the video stream manager 202, which

20   results in the video stream manager setting a command complete flag and

returning the operation to video command handler 200 for disposition". (DuLac

at col. 8, lines 60-63). As such, the DuLac reference does not disclose, teach

or suggest the *rendering* of claim 1 (e.g., rendering a first frame of a second clip from a second source after a last frame of a first clip from a first source).

Applicant further submits that one of ordinary skill in the art would not be motivated to combine the Langford and the DuLac references to arrive at the

5   subject matter of claim 1. The Langford reference discloses a post production editor while the DuLac reference discloses distribution architecture. In contrast, the subject matter of claim 1 pertains to a *method of playing media data stored over a data network* (preamble) wherein *playback of said first clip and said second clip appears seamless*. The Langford and DuLac references, alone or

10 in combination, fail to disclose, teach or suggest rendering for seamless playback of two clips stored over a data network. Thus, Applicant asserts that one of ordinary skill in the art would not be motivated to combine the Langford reference's switching and the DuLac reference's single video distribution.

Even assuming arguendo that one did combine these items, Applicant

15 fails to find any evidence supporting an expectation of success in arriving at the subject matter of claim 1. In particular, Applicant does not see how one of ordinary skill in the art would combine the switching of the Langford reference and the single video distribution of the DuLac reference to arrive at the subject matter of claim 1. Hence, for at least the foregoing reasons, Applicant submits

20 that the subject matter of claim 1 is patentable over the Langford and the DuLac references.

In the pending Office Action, with respect to the Langford reference, the

Office states "it is inherent in any video editing system . . . that the final video

production will be a seamless combination of the first and second sets of

frames". While this may be true, the Langford reference only discloses a

5   system that includes a plurality of video tape players connected to a "video

switcher" to achieve the Office's stated goal. Thus, Applicant fails to see how

any of these teachings or suggestions is relevant to the patentability of claim 1,

unless to show secondary considerations of non-obviousness of the subject

matter of claim 1?

10   Dependent claims 2-6 depend on claim 1. For at least the foregoing

reasons, Applicant submits that dependent claims 2-6 are also patentable over

the Langford and the DuLac references.

Claims 7-13

15   Applicant respectfully submits that the Office has not presented evidence

sufficient to make a prima facie case of obviousness under §103. In particular,

the Langford reference and the DuLac reference fail to disclose, teach or

suggest all of the subject matter of claim 7. Even assuming arguendo that the

two references did disclose, teach or suggest all of the subject matter of claim

20   7, there is no evidence that one of ordinary skill in the art would have a

reasonable expectation of success in arriving at the subject matter of claim 7.

Claim 7 pertains to a *system for playing media data stored over a data network* (preamble). In particular, claim 7 includes a client computer that renders frame data such that playback of a first clip and a second clip appears seamless. Applicant therefore relies on evidence and arguments presented

5   above for claim 1. More specifically, Applicant submits that the evidence and arguments pertaining to patentability of claim 1 apply to patentability of claim 7. For at least these reasons, Applicant submits that claim 7 is patentable over the Langford and the DuLac references.

Applicant has amended claim 7 to correct for an omission of the word

10   "stored" in the preamble. Applicant notes that the word "stored" appears in the preamble of independent claims 1 and 14. Thus, Applicant amends the preamble of claim 7 without prejudice and solely to correct a perceived inadvertent omission. Applicant knows of no intent on behalf of Applicant for why the word "stored" was omitted. Applicant submits that, to the best of its

15   knowledge, the omission was inadvertent and without intent.

Dependent claims 8-13 depend on independent claim 7. For at least the foregoing reasons, Applicant submits that dependent claims 8-13 are also patentable over the Langford and the DuLac references.

Applicant currently amends claim 11 to correct a typographical error.

20   The word "system" was misspelled and as shown above the amendment to claim 11 simple corrects this error.

Claims 14-19

Applicant respectfully submits that the Office has not presented evidence

sufficient to make a prima facie case of obviousness under §103. In particular,

the Langford reference and the DuLac reference fail to disclose, teach or

5   suggest all of the subject matter of claim 14. Even assuming arguendo that the

two references did disclose, teach or suggest all of the subject matter of claim

14, there is no evidence that one of ordinary skill in the art would have a

reasonable expectation of success in arriving at the subject matter of claim 14.

Claim 14 pertains to a *computer readable medium . . . for causing a*

10   *computer system to perform a step of playing media data stored across a data*

network (preamble). In particular, claim 14 includes code for causing rendering

of frame data such that playback of a first clip and a second clip appears

seamless. Applicant therefore relies on evidence and arguments presented

above for claim 1. More specifically, Applicant submits that the evidence and

15   arguments pertaining to patentability of claim 1 apply to patentability of claim

14. For at least these reasons, Applicant submits that claim 14 is patentable

over the Langford and the DuLac references.

Dependent claims 15-19 depend on independent claim 14. For at least

the foregoing reasons, Applicant submits that dependent claims 15-19 are also

20   patentable over the Langford and the DuLac references.
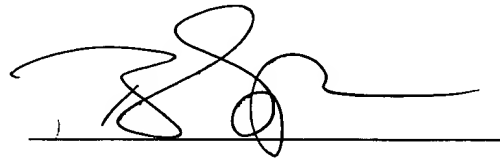

Conclusion

Pending claims 1-19 are original and pending and are believed to be in

condition for allowance. Applicant respectfully requests reconsideration and

prompt issuance of the present application. Should any issue remain that

prevents immediate issuance of the application, the Examiner is encouraged to

5   contact the undersigned attorney to discuss the unresolved issue.

                                    Respectfully Submitted,
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         Dated: 1/9/04

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